

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PENN ENGINEERING & MANUFACTURING CORP.,)	Civil Action
)	
Plaintiff,)	No. 2:19-cv-00513-GEKP
)	
v.)	Judge Gene E.K. Pratter
)	
PENINSULA COMPONENTS, INC.,)	<u>Electronically Filed</u>
)	
Defendant.)	

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION TO DISMISS COUNTS 6, 7, 10, 11, 15, 16, 18-21,
AND 23-34 OF ITS SECOND AMENDED COMPLAINT WITH PREJUDICE**

During the pretrial conference, the Court advised Plaintiff that the number of counts should be reduced prior to trial. Accordingly, pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff, Penn Engineering & Manufacturing Corp., moves to dismiss Counts 6, 7, 10, 11, 15, 16, 18-21, and 23-34 of its Second Amended Complaint (Dkt. 211) with prejudice. Fed. R. Civ. P. 41(a)(2) provides in relevant part that “an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper.”

Defendant, Peninsula Components, Inc., did not plead any counterclaims. Penn Engineering informed Defendant on March 12, 2024 of its intent to dismiss Counts 6, 7, 10, 11, 15, 16, 19-21, and 23–34 of its Second Amended Complaint (Dkt. 211). Defendant did not raise any objection and confirmed that the counts will be dismissed with prejudice. Plaintiff thus respectfully submits that there will be no prejudice to Defendant by the requested dismissal. This will leave Counts 1-5, 8, 9, 12-14, 17, and 22 of the Second Amended Complaint (Dkt. 211) pending for trial.

For the foregoing reasons, Penn Engineering respectfully requests that the Court enter an order granting Penn Engineering's Motion and Dismiss Counts 6, 7, 10, 11, 15, 16, 18-21, and 23–34 of its Second Amended Complaint (Dkt. 211) with prejudice.

Respectfully submitted,

THE WEBB LAW FIRM

Dated: March 15, 2024

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